

IPW 1638

DOCKET NO.: C1102.70002US00

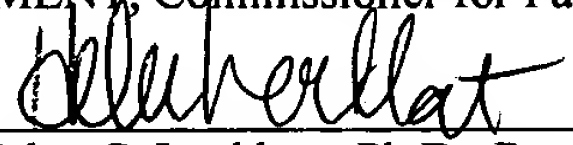
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martha Karen Newell et al.
Serial No.: 09/823,886
Confirmation No.: 7558
Filed: March 30, 2001
For: COMPOSITIONS AND METHODS FOR REGULATING
METABOLISM IN PLANTS

Examiner: Russel Kallis
Art Unit: 1638

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 31st day of August, 2005.


Helen C. Lockhart, Ph.D., Reg. No. : 39,248

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

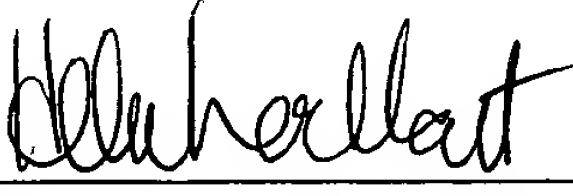
Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Martha Karen Newell et al., Applicant

By: 
Helen C. Lockhart, Ph.D., Reg. No.: 39,248
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600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1102.70002US00
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Helen C. Lockhart, Ph.D., Reg. No. 39,248

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
V0139.70028US00	09/277,575	March 27, 1999	Martha K. Newell
V0139.70059US00	09/599,760	June 22, 2000	Martha K. Newell

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

Serial No.: 09/823,886
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By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Martha Karen Newell et al., Applicant

By: 
Helen C. Lockhart, Ph.D., Reg. No. 39,248
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600 Atlantic Avenue
Boston, Massachusetts 02210-2206
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 09/823,886		ATTY. DOCKET NO.: C1102.70002US00			
				FILING DATE: March 30, 2001		CONFIRMATION NO.: 7558			
				APPLICANT: Martha Karen Newell et al.					
				GROUP ART UNIT: 1638		EXAMINER: Russell Kallis			
Sheet	1	of	1						

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A14	2004/00054291	A1	Rogers et al.	01-08-2004
	A15	2005/0042224	A1	Newell	02-24-2005
	A16	2005/0074882	A1	Newell	04-07-2005
	A17	2005/0158333	A1	Newell	07-21-2005

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
	C33	BOUILLAUD, F. et al. "A sequence related to a DNA recognition element is essential for the inhibition by nucleotides of proton transport through the mitochondrial uncoupling protein," <i>The EMBO Journal</i> , Vol. 13, No. 8; pp: 1990-1997, 1994		
	C34	CLEMENT et al., Superoxide anion is a natural inhibitor of FAS-mediated cell death. <i>EMBO J.</i> 1996 Jan 15;15(2): 216-25.		
	C35	COSSARIZZA et al., Mitochondrial modifications during rat thymocyte apoptosis: a study at the single cell level. <i>Exp Cell Res.</i> 1994 Sep; 214(1):323-30.		
	C36	LOBATO, M. et al. "Intracellular antibodies and challenges facing their use as therapeutic agents," <i>Trends in Molecular Medicine</i> ," Vol 9, No. 9; pp: 390-396, 2003		
	C37	ROCHAIX, J.D. et al. (eds.) <i>The Molecular Biology of Chloroplasts and Mitochondria in Chlamydomonas</i> , Chapt. 5; pgs. 63, 65 & 886 only; Kluwer Academic Publishers; 1998		

EXAMINER:	DATE CONSIDERED:
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]